

## Attachment 2

# U.S. Coast Guard Navigability Determination

U.S. Department  
of Transportation  
  
United States  
Coast Guard



COMMANDER  
EIGHTH COAST GUARD DISTRICT  
HALE BOGGS FEDERAL BLDG.

500 CAMP ST.  
NEW ORLEANS, LA. 70130  
STAFF SYMBOL:  
PHONE:

(d1)  
(504)589-6188

16731  
OCT 19 1984

From: Commander, Eighth Coast Guard District  
To: Commanding Officer, Marine Safety Office Corpus Christi, TX  
Subj: Navigability Determination, Rio Grande River, TX  
Ref: (a) Commanding Officer, MSO Corpus Christi ltr 16730 of 15  
December 83  
(b) COMDTINST 16210.1B

1. From 1947 to 1975 the Rio Grande River was listed among the navigable waters of the United States pursuant to treaties with Mexico and for Coast Guard regulatory purposes. This determination covers the river "for the entire distance where it forms the international boundary, to a point near El Paso, Texas" or from its mouth at the Gulf of Mexico (mile 0.0 to mile 1247). This finding was published at 33 C.F.R. § 2.66-5 until 1976 when the practice of publishing lists of waters determined to be navigable for Coast Guard jurisdictional purposes was discontinued.

2. Under the rule that, despite artificial or natural obstructions, once a stream has been found to be of navigable use it remains so, the designated stretch of the Rio Grande River remains a navigable waterway of the United States. See Economy Light Co. v. U.S., 256 U.S. 113 (1921). The vessel manning and inspection laws of the United States apply to vessels operating on it. Obviously, whether a vessel is subject to those laws is a function of its tonnage, cargo, route, etc.

3. This represents the opinion of the Coast Guard only as to the extent of its own jurisdiction, and does not address the jurisdiction of other agencies.

T. W. SNOOK  
By direction

Copy to: CCGD8 (obr)  
COMDT (G-M-TH-4/13)  
COMDT G-LMI

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1. On 29 August 1947, Commander, Eighth Coast Guard District, determined that the Rio Grande River was part of the navigable waters of the U.S. for Coast Guard regulatory purposes "for the entire distance where it forms the international boundary, to a point near El Paso, Texas." This finding was published at 33 C.F.R. { 2.66-5 until 1976 when the practice of publishing lists of waters determined to be navigable for Coast Guard jurisdictional purposes was discontinued.

2. Under the rule that, despite artificial or natural obstructions, once a stream has been found to be of navigable use it remains so, the Rio Grande River from the Gulf of Mexico to El Paso remains a navigable waterway of the United States. See Economy Light Co. v. U.S., 256 U.S. 113 (1921). The vessel manning and inspection laws of the United States apply to vessels operating on it. Obviously, whether a vessel is subject to those laws is a function of its tonnage, cargo, route, etc.

3. This represents only the opinion of the Coast Guard as to the extent of its own jurisdiction, and does not address jurisdiction of other agencies.

Thomas W. Snook  
By direction

From: Commander 8th Coast Guard District (dl)  
To: Commandant (G-MTH-4/13)